

11-24-00

CPA/GO/1642

Box RECEIVED

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

DEC 01 2000

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional Applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☒ DUPLICATENOV 24 2000  
TECH CENTER 1600/2900

Address to:

COMMISSIONER FOR PATENTS

BOX CPA

WASHINGTON, DC 20231

Attorney Docket No.

M-8955 US

First Named Inventor

Paul A. Price and Julia S. Johansen

Examiner Name

L. Sun-Hoffman

Group/Art Unit

1642

Express Mail Label No.

EL707907536US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR §1.53(d), (continued prosecution application (CPA)) of prior application number 09/164,862 filed on, October 1, 1998 entitled YKL-40 as a Marker and Prognostic Indicator for Cancers.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR §1.51(b), OR (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application, or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR §1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_ under 37 CFR §1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53 (d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
    - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/8I) is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449;
  - b. ☐ \_\_\_ Copies of IDS Citations.

11/27/2000 SDUONG 00000095 192386 09164862

01 FC:231 355.00 CH  
02 FC:203 144.00 CH

4  
17  
K  
12-500

Please type a plus sign (+) inside this box

+

CLAIMS (Number Filed)	(1) FOR	(2)		(3) NUMBER EXTRA		(4) RATE		(5) CALCULATIONS
36	TOTAL CLAIMS (37 CFR 1.16(c))	-20	=	16	x	\$18	=	\$ 288.00
3	INDEPENDENT CLAIMS (37 CFR 1.16(b))	-3	=	0	x	\$80	=	\$ 0.00
<input type="checkbox"/>	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.18(d))					+	\$260.00	=
				BASIC FEE (37 CFR 1.16(a))			=	\$ 710.00
				Total of above Calculations			=	\$ 998.00
				Reduction by 50% for filing by small entity (Note 31 CFR 1.9, 1.27, 1.28).			=	355.00
				TOTAL			=	499.00

EP 1500:2001

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. FEES: The Commissioner is hereby authorized to credit overpayments or charge the following fees to:

**Deposit Account No. 19-2386:**

- a. ☒ Fees required under 37 CFR §1.16. (U.S. Application Filing Fees)
- b. ☒ Fees required under 37 CFR §1.17. (Conditional Extension of Time Fees)
- c. ☒ Fees required for Extension Of Time - Small Entity (\$445.00)

8. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

9. ☒ Other: (1) Computer-readable form of Sequence Listing; (2) Paper copy of Sequence Listing and (3) Special Petition For Extension Of Time

**NOTE:**

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

**10. NEW CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label

New correspondence address below

NAME					
ADDRESS					
CITY	STATE	ZIP CODE			
COUNTRY	TELEPHONE	FAX			

**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

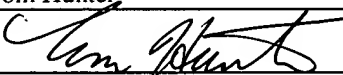
Skjervén Morrill MacPherson LLP

25 Metro Drive, Suite 700

San Jose, CA 95110

Tel. (408) 453-9200

Fax. (408) 453-7979

Date:	November 22, 2000	
Name	Tom Hunter	Reg. No. 38,498
Signature		
Express Mail Label No.	EL707907536US	